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EXAMINER

LEE, BENJAMIN WILLIAM

ART UNIT

PAPER NUMBER

3709

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/758,828

Applicant(s)

LEMAY ET AL.

Examiner

Benjamin W. Lee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/12/2004; 9/6/2005; 3/29/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: ref. no. 380 in Fig.
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:
Page 20, line 10: "history database server 303" should be changed to --history database server 330--.
Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-15, 17, 18, 20-28, 29-43, 45, 46, 48-56 and 73 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Re claim 1: The claim is directed toward a “computer-implemented method for capturing game history.” The invention disclosed in the claim is a process, which is one of the four statutory categories of invention (e.g. process, machine, manufacture, and composition of matter). However, the process disclosed in claim 1 includes the judicial exception of an abstract idea (“capturing a game history”). No physical transformation is present to establish a practical application of the abstract idea. Furthermore, the process disclosed in claim 1 does not contain a useful, concrete, and tangible result. “Receiving first frame data” is useful and concrete, but not tangible. Therefore, the claim is directed toward non-statutory subject matter.

Re claims 2-15, 17, 18, and 20-28: The claims are dependent upon claim 1 and do not disclose any further method steps or disclose further method steps that do not result in useful, concrete, and tangible results. Therefore, the claims are directed toward non-statutory subject matter.

Re claims 29-43, 45, 46, and 48-56: The claims are directed toward a “computer program product” that implements the method steps disclosed in claims 1-15, 17, 18, and 20-28. The claims are directed toward a manufacture or a machine, which is one of the four statutory categories of invention. However, since the claims implement limitations similar to claims 1-15, 17, 18, and 20-28, the claims contain the same abstract idea (“capturing a game history”) that lacks a physical transformation or useful, concrete, and tangible results. Therefore, the claims are directed toward non-statutory subject matter.

Re claim 73: The claim is directed toward a “computer-implemented method for capturing game history.” The invention disclosed in the claim is a process, which is one of the four statutory categories of invention (e.g. process, machine, manufacture, and composition of matter). However, the process disclosed in claim 1 includes the judicial exception of an abstract idea (“capturing a game history”). No physical transformation is present to establish a practical application of the abstract idea. Furthermore, the process disclosed in claim 1 does not contain a useful, concrete, and tangible result. “Receiving first frame data” is useful and concrete, but not tangible. Therefore, the claim is directed toward non-statutory subject matter.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 1-56, 67, 68, and 71 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 1 and 29: The limitation "receiving first frame data" in claim 1, line 6 and in claim 29, line 8 renders the claims indefinite because it is unclear what is receiving the data. The claims imply the presence of an unidentified device other than the first device.

Re claims 2-28 and 30-56: Claims 2-28 and 30-56 depend on claims 1 and 29, respectively, and thus inherit the same deficiencies.

Re claims 67 and 68: The limitation "generate promotional information incorporating at least one of the game history frames from the plurality of gaming machines" in claim 67, lines 2-3 renders the claim indefinite because it is unclear how promotional information incorporates game history frames from the plurality of gaming machines. Claim 68 depends on claim 67.

Re claim 71: The limitation "the bonusing game includes a subset of the gaming machines" in lines 1-2 renders the claim indefinite because it is unclear how the bonusing game includes gaming machines. It appears the bonusing game is played on a subset of gaming machines and has been treated as such.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-56 and 73-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo (US 6,336,865 B1) in view of Takemoto et al. (US 5,810,665).

Re claims 1 and 29: Kinjo discloses a computer-implemented method for capturing a game history comprising facilitating execution of a game in a network (see Fig. 3; col. 4, line 53 - col. 5, line 9), the execution causing generation of a plurality of game presentation frames capable of being presented on a multimedia display 14 of a first device on the network (see col. 9, lines 39-41), and receiving first frame data from the first device via the network (see Fig. 1; col. 7, lines 46-48), the first frame data representing at least a portion of the game history and including a selected one of the game presentation frames (see col. 7, lines 15-33). The method is implemented in a computer program product (see claim 1).

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However, Kinjo fails to disclose or fairly suggest the game is a game of chance.

Takemoto et al. teaches an image display gaming machine used in games of chance such as slot machines or pachinko (see Figs. 2 and 9; col. 1, lines 12-15).

Therefore, in view of Takemoto et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the game unit of Kinjo with the game of chance of Takemoto et al. in order to increase the entertainment value by allowing players to print out stickers of their game screen featuring the player's image.

Re claims 2 and 30: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 1 have been discussed above. Kino further discloses facilitating execution of the game of chance comprises receiving a request from the first device identifying the game of chance, and collaboratively executing the game of chance with the first device (see col. 4, lines 53-66).

Re claims 3 and 31: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 2 have been discussed above.

However, the teachings of Kinjo as modified by Takemoto et al. fail to disclose or fairly suggest executing the game of chance comprises executing game flow logic on a host device, and executing game presentation logic on the first device.

It was well known in the art at the time the invention was made to execute game flow logic and game presentation logic on separate devices on networks.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to structure the network to execute game flow logic and game presentation

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logic to execute on different machines in order to adapt the system to work for Internet browser based games.

Re claims 4 and 32: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 1 have been discussed above. Kinjo further discloses facilitating capture of the selected game presentation frame on the first device (see col. 1, lines 20-29).

Re claims 5, 6, 33, and 34: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 4 have been discussed above.

However, the teachings of Kinjo as modified by Takemoto et al. fail to disclose or fairly suggest capture of the selected game presentation frame comprises selecting the selected game presentation frame from a frame buffer in the first device or capturing the selected game presentation directly from the display of the first device.

It was well known in the art at the time the invention was made to capture game presentation frames from the frame buffer or directly from the display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the invention of Kinjo as modified by Takemoto et al. to capture game presentation frames from the frame buffer or directly from the display in order to send image data to the game scene reproducing machine.

Re claims 7, 8, 35, and 36: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 4 have been discussed above. Kinjo further discloses capture of the selected

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game presentation frame comprises detecting an event which triggers capture of the selected game presentation frame (see col. 1, lines 20-29), wherein the event corresponds to an outcome of the game of chance (see col. 7, lines 15-29).

Re claims 9 and 37: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 4 have been discussed above.

However, the teachings of Kinjo as modified by Takemoto et al. fail to disclose or fairly suggest capture of the selected game presentation frame comprises uploading at least one software module to the first device which is operable to capture the selected game presentation frame.

It was well known in the art at the time the invention was made to upload software from a server to clients.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to structure the network to upload software to the first device to capture the selected game presentation frame in order to adapt the system to work for Internet browser based games.

Re claims 10 and 38: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 4 have been discussed above. Kinjo further discloses facilitating capture of the selected game presentation frame comprises transmitting a capture command to the first device (see col. 1, lines 20-29).

Re claims 11 and 39: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 1 have been discussed above. Kinjo further discloses generating the first frame data (see col. 7, lines 15-29).

Re claims 12 and 40: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 11 have been discussed above.

However, the teachings of Kinjo as modified by Takemoto et al. fail to disclose or fairly suggest generating the first frame data comprises any of compressing the selected game presentation frame, encrypting the selected game presentation frame, and reducing color information in the game presentation frame.

It was well known in the art at the time the invention was made to compress or encrypt any type of data transferred over a network.

Therefore, it would have been obvious to add compression and encryption to the invention of Kinjo as modified by Takemoto et al. in order to reduce the amount of data transferred across the network and to enhance security.

Re claims 13, 14, 41, and 42: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 11 have been discussed above. Kinjo further discloses the additional data captured with the selected game presentation frame includes a time (see col. 15, lines 46-54).

Re claims 15, 16, 43, and 44: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 1 have been discussed above. Kinjo further discloses rendering the first frame

data wherein rendering comprises generating a visual representation including the game presentation frame (see col. 16, lines 8-21).

Re claims 17 and 45: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 1 have been discussed above. Kinjo further discloses generating second frame data corresponding to the selected game presentation frame. Kinjo discloses capturing multiple frames in sequence to create an animation. The second frame data corresponds to the selected game presentation frame (i.e. occurs directly after the selected presentation frame) and is generate independent of the selected game presentation frame (i.e. the subsequent frame is not necessarily dependent upon the selected game presentation frame (see col. 6, lines 43-49).

Re claims 18, 19, 46, and 47: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 17 have been discussed above. Kinjo further discloses the sequence of frames representing an animation is rendered visually (see col. 6, lines 43-46). The juxtaposition of sequential frames is a comparison.

Re claims 20, 21, 48, and 49: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 17 have been discussed above. In a situation where there is no movement, there will be multiple frames that are duplicates. The frame may also include a time (see col. 15, lines 46-54).

Re claims 22, 23, 50, and 51: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 1 have been discussed above.

However, the teachings of Kinjo as modified by Takemoto et al. fail to disclose or fairly suggest generating a frame signature for inclusion in the first frame data comprising at least one of a CRC, a checksum, and a hash value.

It was well known in the art at the time of the invention to use a CRC, a checksum, or a hash value on data transferred over a network.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a frame signature such as a CRC, a checksum, or a hash value, to the invention of Kinjo as modified by Takemoto et al. in order to ensure the data integrity of frames transferred via the network.

Re claims 24, 25, 52, and 53: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 1 have been discussed above. Kinjo further discloses generating the first frame data, wherein the first frame data corresponds to a visual representation which includes the game presentation frame and is capable of being displayed on a multimedia display (see col. 7, lines 15-29).

However, the teachings of Kinjo as modified by Takemoto et al. fail to disclose or fairly suggest the visual representation also includes a visible authentication object comprising at least one of date, time, serialized game number, payable number, user id, machine serial number, current progressive values, host id, network id, and casino water mark.

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It was well known in the art at the time the invention was made to place timestamps or watermarks on images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add timestamps or watermarks to the first frame data in order to provide an indicator the source of the image, which would increase the security of the system.

Re claims 26 and 54: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 1 have been discussed above. Kinjo further discloses the network may be the Internet (see col. 6, lines 7-11).

Re claims 27, 28, 55, and 56: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 1 have been discussed above.

However, the teachings of Kinjo as modified by Takemoto et al. fail to disclose or fairly the game of chance is facilitated according to a client-server model or a peer-to-peer model.

It was well known in the art at the time the invention was made to operate games of chance in a client-server architecture or a peer-to-peer architecture.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to structure the networked game of chance of Kinjo as modified by Takemoto et al. in order adapt the invention to function in an Internet browser based game or in multiplayer game with a direct connection between clients.

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Re claims 73-75: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 1 have been discussed above. Kinjo further discloses capturing a sequence of game presentation frames and outputting the sequence as an animation (see col. 6, lines 43-49).

Re claim 76: The teachings of Kinjo as modified by Takemoto et al. as applied to claim 75 have been discussed above.

However, the teachings of Kinjo as modified by Takemoto et al. as applied to claim 75 have been discussed above.

It was well known in the art at the time the invention was made to encode video using the MPEG standard or VCR standard.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to encode the video using an MPEG standard in order to save storage space and network bandwidth by compressing the video data.

10. Claims 57, 58, 61-69, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo in view of Kelly et al. (US 5,816,918).

Re claim 57: Kinjo discloses a plurality of gaming machines 18 (see Fig. 3; col. 15, lines 29-35), each gaming machine comprising a network interface (see Fig. 3) and a master gaming controller operable to control a game played on the gaming machine, to generate a sequence of game presentation frames for use in a video game presentation of the game of chance (see col. 4, line 53 - col. 5, line 9), to select one or more game presentation frames from the sequence of

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game presentation frames (see col. 1, lines 20-24), and to incorporate frame data from the selected game presentation frames into one or more game history frames (see col. 7, lines 15-29), a network 38 interconnecting the plurality of gaming machines via the corresponding network interfaces (see Fig. 3; col. 6, lines 4-11), and at least one server/game scene reproducing machine 20 coupled to the network and operable to store the game history frames from the plurality of gaming machines (see col. 13, lines 37-54).

However, Kinjo fails to disclose or fairly suggest the gaming machine is a game of chance operable to receive cash or indicia of credit for a wager on the game of chance, and to output cash or indicia of credit as an award for the game of chance.

Kelly et al. teaches a prize redemption system for games of chance (see col. 1, lines 28-33) operable to receive cash or indicia of credit for a wager on the game of chance (see col. 3, lines 8-11), and to output cash or an indicia of credit as an award for the game of chance (see col. 2, line 62 - col. 3, line 7).

Therefore, in view of Kelly et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the gaming machine of Kinjo with the game of chance of Kelly et al. in order to attract more players by providing monetary benefits.

Re claim 58: The teachings of Kinjo as modified by Kelly et al. as applied to claim 57 have been discussed above. Kinjo further discloses each gaming machine further comprises non-volatile memory 16 for storing the one or more game history frames (see col. 6, lines 12-31).

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Re claim 61: The teachings of Kinjo as modified by Kelly et al. as applied to claim 57 have been discussed above. Kinjo further discloses the master gaming controller is further operable to incorporate game history information into the one or more game history frames (see col. 7, lines 15-29).

Re claim 62: The teachings of Kinjo as modified by Kelly et al. as applied to claim 57 have been discussed above. Kelly et al. further discloses the video game presentation comprises a video poker game (see col. 1, lines 30-33).

Re claim 63: The teachings of Kinjo as modified by Kelly et al. as applied to claim 57 have been discussed above.

However, the teachings of Kinjo as modified by Kelly et al. fail to disclose or fairly suggest each gaming machine further comprises a printer operable to print the one or more game history frames.

Kinjo teaches a single printer 22 coupled to the network operable to print the one or more game history frames (see Fig. 3; col. 13, lines 28-36). It was also well known in the art at the time the invention was made to include a printer to each gaming device in a network.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a printer to each gaming machine of the invention of Kinjo as modified by Kelly et al. in order to provide users with instant printouts.

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Re claim 64: The teachings of Kinjo as modified by Kelly et al. as applied to claim 57 have been discussed above. Kinjo further discloses each gaming machine further comprises a display device 14 operable to display the one or more game history frames (see col. 14, lines 9-18).

Re claim 65: The teachings of Kinjo as modified by Kelly et al. as applied to claim 57 have been discussed above. Kinjo further discloses a printer 22 coupled to the network which is operable to print the one or more game history frames (see Fig. 3; col. 13, lines 28-36).

Re claim 66: The teachings of Kinjo as modified by Kelly et al. as applied to claim 57 have been discussed above. Kinjo further discloses a display device 14 coupled to the network which is operable to display the game history frames from the plurality of gaming machines (see col. 16, lines 8-21).

Re claims 67-68: The teachings of Kinjo as modified by Kelly et al. as applied to claim 57 have been discussed above. Kelly et al. further discloses at least one server is operable to generate promotional information incorporating at least one of the game history frames from the plurality of gaming machines (see Fig. 5d; col. 23, lines 25-45). The promotional information may be displayed on any of the gaming machines since they are networked (see Figs. 3 and 4).

Re claim 69: The teachings of Kinjo as modified by Kelly et al. as applied to claim 57 have been discussed above.

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However, the teachings of Kinjo as modified by Kelly et al. fail to disclose or fairly suggest at least one server is further operable to facilitate dispute resolution with reference to the game history frames from the plurality of gaming machines.

It was well known in the art at the time the invention was made to save logs of gaming machine payouts.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store game history frames such that they could be recalled and compared to settle disputes and to provide a record of winnings for audits.

Re claim 72: The teachings of Kinjo as modified by Kelly et al. as applied to claim 57 have been discussed above. Kinjo further discloses at least one server/game scene reproducing machine is operable to cause a game history frame generated by a first one of the gaming machines to be displayed on a second one of the gaming machines (see col. 16, lines 8-21).

11. Claims 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo, as modified by Kelly et al., as applied to claim 57 above, and further in view of Takemoto et al.

The teachings of Kinjo as modified by Kelly et al. as applied to claim 57 have been discussed above.

However, the teachings of Kinjo as modified by Kelly et al. fail to disclose or fairly suggest each gaming machine comprises a camera used to record a player image from a player being presented the game presentation on the gaming machine and the master controller is operable to incorporate the player image into the one or more game history frames.

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Takemoto et al. teaches an image display gaming machine featuring a CCD camera section 121 used to record a player image from a player being presented the game presentation (see col. 5, lines 43-52). Takemoto et al. further discloses the master gaming controller is further operable to incorporate the player image into the one or more game presentation frames (see Figs. 10 and 11; col. 5, lines 18-27).

Therefore, in view of Takemoto et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the gaming machine of Kinjo as modified by Kelly et al. by adding the CCD camera and inclusion of player images into game presentation frames and game history frames in order to increase the interest of players by personalizing the game.

12. Claims 70 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo, as modified by Kelly et al., as applied to claim 57 above, and further in view of Olsen (US 6,110,043).

The teachings of Kinjo as modified by Kelly et al. as applied to claim 57 have been discussed above.

However, the teachings of Kinjo as modified by Kelly et al. fail to mention or fairly suggest the at least one server is operable to facilitate a bonusing game with reference to at least one of the game history frames from the plurality of gaming machines and the bonusing game includes a subset of the gaming machines.

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Olsen teaches a controller-based progressive jackpot linked gaming system comprising a bonus mode wherein a subset players and machines are eligible to play based on player history contained in a player tracking card (see col. 12, lines 31-45).

Therefore, in view of Olsen, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the gaming machine of Kinjo as modified by Kelly et al. by adding the bonus mode of Olsen and determining eligibility based on game history frames in order to increase the interest of players in the game.

Double Patenting

13. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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14. Claims 1, 4-6, 10-16, 22, 23, 29, 32-34, 38-44, 50, 51, and 73-76 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 8, 9, 11, 13, 20, 21, 22, 25, and 51 of U.S. Patent No. 6,863,608 B1 in view of Kinjo.

Re claims 1: Claim 1 of the '608 Patent discloses a gaming machine with a master gaming controller for controlling a game of chance played on the gaming machine (facilitating execution of a game of chance), the execution causing generation of a plurality of game presentation frames capable of being presented on a multimedia display and receiving first frame data from the first device, the first frame data representing at least a portion of the game history and including a selected one of the game presentation frames.

However, the '608 Patent fails to disclose or fairly suggest the game of chance is on a network.

Kinjo discloses a game scene reproducing machine and system which features networked game units.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to network the gaming machines of the '608 Patent in order to centralize management of the gaming machines.

Re claims 4-6: The teachings of the '608 Patent as applied to claim 1 have been discussed above. Claim 11 of the '608 Patent further discloses capturing a game presentation frame stored in the frame buffer of the gaming machine.

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However, the '608 Patent fails to disclose or fairly suggest capturing the selected game presentation frame directly from the display of the first device.

It was well known in the art at the time the invention was made to capture a game presentation frame directly from the display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to capture a game presentation frame directly from the display in order to use an alternative method of frame capture.

Re claim 10: The teachings of the '608 Patent as applied to claim 1 have been discussed above.

However, the '608 Patent fails to disclose or fairly suggest transmitting a capture command.

It was well known in the art at the time the invention was made to automate repetitive tasks using computer commands.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit a capture command to capture a game presentation frame in order to automate the task.

Re claims 11-14: The teachings of the '608 Patent as applied to claim 1 have been discussed above. Claim 11 of the '608 Patent further discloses incorporating frame data from the captured frame into a game history frame (generating first frame data). Claims 20, 21, and 22 of the '608 Patent further disclose compression, encryption, and color reduction of game history

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frames. Claims 8 and 9 of the '608 Patent further disclose capturing additional data associated with the game presentation frame including a date, a time, an amount wagered, etc.

Re claims 15 and 16: The teachings of the '608 Patent as applied to claim 1 have been discussed above. Claim 25 of the '608 Patent further discloses rendering the first frame of data represented visually and including the game presentation frame.

Re claims 22 and 23: The teachings of the '608 Patent as applied to claim 1 have been discussed above. Claims 11 and 13 of the '608 Patent further disclose generating a frame signature wherein the frame signature is at least one a CRC, a checksum, and a hash value.

Re claims 29, 32-34, 38-44, 50, and 51: The claims implement the method steps disclosed in claims 1, 4-6, 10-16, 22, and 23 and have similar limitations. The method steps are implemented in a computer program product comprising at least one computer readable medium. Automating tasks using a computer program was well known in the art at the time of the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method steps of claims 1, 4-6, 10-16, 22, and 23 in a computer program product comprising at least one computer readable medium.

Re claim 73: The teachings of the '608 Patent as applied to claim 1 have been discussed above. Claim 1 of the '608 Patent further discloses selecting one or more game presentation frames.

Re claims 74 and 75: The teachings of the '608 Patent as applied to claim 73 have been discussed above. Claim 51 of the '608 Patent further discloses replaying the sequence of game presentation frames as a video representation of the game history.

Re claim 76: The teachings of the '608 Patent as applied to claim 75 have been discussed above.

However, the '608 Patent fails to disclose or fairly suggest encoding the video according to any of an MPEG standard, a DVD standard, or a VCR standard.

It was well known in the art at the time the invention was made to encode video using the MPEG standard or VCR standard.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to encode the video using an MPEG standard in order to save storage space by compressing the video data.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dutta et al. discloses a browser rewind and replay feature for transient messages by periodically capturing screen images.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin W. Lee whose telephone number is 571-270-1346.

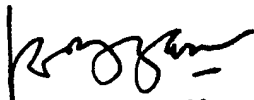
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The examiner can normally be reached on Mon - Thurs (7:30AM-5PM), or Alt. Fri (7:30AM-4PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/bwl
Benjamin W. Lee
December 11, 2006


KIM NGUYEN
PRIMARY EXAMINER